

Michael Fuller, OSB No. 09357

OlsenDaines

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000

Kelly D. Jones, OSB No. 074217

kellydonovanjones@gmail.com

Direct 503-847-4329

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

GENESSIS ALARCON

Plaintiff

vs

ANDY POLO

Defendant

Case No. 3:22-cv-329

**DOMESTIC
VIOLENCE
COMPLAINT**

Demand for Jury Trial

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1332 because plaintiff is a citizen of Peru and defendant is a citizen of Oregon and the amount in controversy requirement is met.

2.

Venue is proper under 28 U.S.C. § 1391 because the domestic violence described in this complaint occurred in Washington County, Oregon.

3.

FACTUAL ALLEGATIONS

On or around May 23, 2021 at his residence in Washington County, Oregon with his child present, defendant attempted to and did in fact cause harmful physical contact with plaintiff, including by violently grabbing her by the arm, pulling her by the hair against her will, and pushing her to the floor, causing her pain and discomfort.

4.

CAUSES OF ACTION

Claim One – Assault

As alleged in this complaint, on May 23, 2021, defendant intended to engage in harmful or offensive contact with plaintiff, and had the present ability to carry the intention into effect, causing plaintiff pain and discomfort.

5.

Claim Two – Battery

As alleged in this complaint, on May 23, 2021, defendant intended to and did in fact cause harmful or offensive contact with plaintiff, causing plaintiff pain and discomfort.

6.

Claim Three – Negligence

As alleged in this complaint, on May 23, 2021, defendant created an unnecessary and unreasonable risk of harm to plaintiff by causing harmful physical contact with plaintiff, and it was foreseeable that plaintiff would experience pain and discomfort as a result. Despite defendant's knowledge of the risk of harm, and the foreseeability of the harm, defendant breached his duty owed to plaintiff, causing her pain and discomfort.

7.

PRAYER FOR RELIEF

Plaintiff respectfully requests judgment against defendant for fair compensation for noneconomic damages in an amount determined by the jury to be reasonable, and taxable costs.

8.

JURY TRIAL DEMAND

Plaintiff respectfully requests a trial by a jury.

March 1, 2022

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Plaintiff

OlsenDaines

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